

REMARKS

The present application was filed on December 7, 2001, with claims 1-69. Claims 1-69 are currently pending in the application. Claims 1, 14, 30, 40, 51 and 62 are independent claims.

Claims 1-5, 7-19, 21-31, 33-43, 45-54, 56-62 and 64-69 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,803,718 (hereinafter "Neil").

Claims 6, 20, 32, 44, 55 and 63 are rejected under 35 U.S.C. §103(a) as being unpatentable over Neil in view of U.S. Patent No. 6,650,635 (hereinafter "Weinstein").

In this response, Applicant respectfully traverses the §102(b) and §103(a) rejections. Applicant respectfully requests reconsideration of the present application in view of the following remarks.

With regard to the §102(b) rejection, Applicant initially notes that the Manual of Patent Examining Procedure (MPEP), Eight Edition, August 2001, §2131, specifies that a given claim is anticipated "only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, MPEP §2131 indicates that the cited reference must show the "identical invention . . . in as complete detail as is contained in the . . . claim," citing Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The present invention as set forth in independent claim 1 is directed to a device for providing power to a network-based device. The device for providing power includes a first circuit and a second circuit. The first circuit is adapted to provide a differential voltage based on input signals of opposite polarity received from a first pair of network pathways or to contribute to the provisioning of a common voltage based on input signals of a first polarity received from the first pair of pathways. The second circuit is adapted to supply the differential voltage based on input signals of opposite polarity received from a second pair of network pathways or to contribute to the provisioning of the common voltage based on input signals of a second polarity received from the second pair of pathways.

In an illustrative embodiment of the invention, shown in FIG. 1 of the drawings, the claimed first and second circuits correspond to first circuit 20 and second circuit 30 of device 10 for providing power to a network-based device 60. The first circuit 20 is coupled between the network-based device 60 and a first pair of “spare” network pathways 7,8 of a conventional eight-wire network cable. Similarly, the second circuit 30 is coupled between the network-based device 60 and a second pair of “spare” network pathways 4,5 of the conventional eight-wire network cable. The network pathway pairs in this example are “spare” in that, unlike network pathways 1, 2, 3 and 6 of the conventional eight-wire network cable, they are not used to carry communication signals. This illustrative embodiment is advantageously configured such that the first and second circuits 20, 30 can supply power to the network-based device 60 using either a differential voltage or a common mode voltage.

In the differential voltage case, each of the circuits 20 and 30 can process input signals of opposite polarity to provide a differential voltage to the network-based device 60. See the specification at, for example, pages 6-7, paragraphs [0021] and [0022].

In the common voltage case, the circuits 20 and 30 act together to provide a common voltage to the network-based device 60. More specifically, in the illustrative embodiment, the first circuit 20 receives input signals which are of the same first polarity (e.g., positive) via pathways 7,8, while the second circuit 30 receives input signals which are of the same second polarity (e.g., negative) via pathways 4,5. The two circuits 20, 30 thus contribute to the provisioning of the common voltage to the network-based device 60. See the specification at, for example, page 8, paragraphs [0025] and [0026].

It is important to note that conventional devices for providing power to network-based devices are not configured, like the device of the claimed invention, to provide a differential voltage or common voltage to a network-based device. See the specification at, for example, page 8, paragraph [0024].

The Examiner in formulating the § 102(b) rejection of the independent claims argues that the first and second circuits of claim 1 are met by circuit elements 20-23, 29, 33 and 37 of subcircuit A in FIG. 2A of Neil. Applicant respectfully disagrees. These elements do not comprise circuits which

provide power to a network-based device in the manner claimed. Instead, these elements comprise a line monitoring circuit, which monitors analog voltages on telephone lines and converts the analog voltages to digital form. See Neil at, for example, column 8, lines 25-61. In fact, Neil at column 7, lines 66-67, specifically indicates that these elements are part of the line monitor 12 of FIG. 1. The functions of the line monitor 12 are described at column 6, lines 55-60, and clearly do not include providing power to a network-based device.

Accordingly, it is believed that the portions of the Neil reference relied upon by the Examiner fail to meet the limitations of independent claim 1. More specifically, the first and second circuits as claimed are not disclosed in Neil.

Independent claims 14, 30, 40, 51 and 61 include limitations similar to those of independent claim 1, and are believed allowable for reasons identified above in the context of claim 1.

The dependent claims are believed allowable for at least the reasons identified above with regard to their respective independent claims.

With regard to the §103(a) rejection of dependent claims 6, 20, 32, 44, 55 and 63 over Neil in view of Weinstein, Applicant respectfully submits that the Weinstein reference fails to supplement the above-described deficiency of Neil as applied to the independent claims.

Notwithstanding the traversal, Applicant has amended independent claims 1, 14, 30, 40, 51 and 62 to clarify the subject matter which Applicant regards as the invention. For example, claim 1 has been amended to indicate generally that the first and second circuits are each operative in a first mode of operation to provide a differential voltage to a network-based device and in a second mode of operation to contribute to the provisioning of a common voltage. Similar amendments have been made to the other independent claims. Support for the amendments can be found in the specification at, for example, page 8, paragraph [0024].

In view of the above, Applicant believes that claims 1-69 are in condition for allowance, and respectfully requests withdrawal of §102(b) and §103(a) rejections.

Respectfully submitted,

A handwritten signature in black ink, reading "Joseph B. Ryan". The signature is written in a cursive style with a large, stylized "R" and "Y".

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